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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-275

13 WILLIAM LEE JAMES,
a.k.a. WILLIAM L. JAMES
14 1231 Gary Way, Apt. 40
Woodland, CA 95695

ACCUSATION

15
16 Registered Nurse License No. 664882

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about September 1, 2005, the Board issued Registered Nurse
25 License Number 664882 to William Lee James, also known as William L. James
26 ("Respondent"). The license was in full force and effect at all times relevant to the charges
27 brought herein and will expire on November 30, 2008, unless renewed.

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1 License Followed by Probation ("Stipulation"), adopted by the Oregon State Board of Nursing
2 pursuant to Final Order No. 05-220, in the disciplinary proceeding titled *In the Matter of William*
3 *L. James, RN License No. 00003269RN*, Respondent's license was suspended for 30 days^{1/}, and
4 thereafter placed on probation on terms and conditions for a period of 24 months. A true and
5 correct copy of the Stipulation and Final Order No. 05-220 are attached as Exhibit "A" and
6 incorporated herein by reference. Pursuant to the Stipulation, Respondent admits as follows:

7 a. Respondent failed to follow facility protocol for chest pain as to inmate
8 JW.

9 b. Respondent administered Ativan to inmate JW without a physician's
10 order.

11 c. Respondent failed to notify the physician of inmate JW's condition.

12 d. Respondent falsely charted that he had called the physician and that the
13 physician had given a verbal order to administer Ativan to inmate JW.

14 e. The conduct and circumstances described in subsections (a) through (d)
15 above constitute violations of ORS 678.111 (1) (f) and OAR 851-045-0015 (1) (b) (3) (a) (b) (c)
16 (h) (4) (a) (b).

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 664882 issued
21 to William Lee James, also known as William L. James;

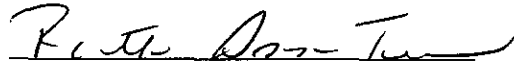
22 2. Ordering William Lee James, also known as William L. James, to pay the
23 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
24 case, pursuant to Business and Professions Code section 125.3; and

25 _____
26 1. Prior to the end of the suspension of his license, Respondent was required to provide the board with
27 evidence of completion of at least one Board approved course of study in each of the following subjects: Physical
28 assessment to include cardiac assessment, communication as it relates to being part of a health care team, nursing
documentation, and nursing ethics. In addition, before August 2006, Respondent was required to complete a
paper on each course of study, at least 3 pages in length, presenting an outline of the course and the information
he learned which could make a difference in his practice as a registered nurse.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/18/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Stipulation and Final Order No. 05-220

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	STIPULATION FOR A MINIMUM
)	30 DAY SUSPENSION
)	OF REGISTERED NURSE LICENSE
William L. James, RN)	FOLLOWED BY PROBATION
)	
License No. 000033269RN)	Case No. 05-220
)	

Mr. William L. James is a Registered Nurse who graduated from Portland Community College January 1974 with an Associate Degree in Nursing. Mr. James has worked in a variety of nursing settings, most recently for Multnomah County Health Department as a Corrections Health Nurse at Multnomah County Detention Center (MCDC) from July 11, 2003 until March of 2005.

Mr. James came to the Board's attention on April 1, 2005 when he was reported for alleged practice issues including giving a medication without a doctor's order, failing to assess a patient properly, failing to notify the physician of a patient's condition and falsifying documentation.

On February 19, 2005 at approximately 9:35 a.m. an inmate at MCDC, JW, was found unconscious in his cell and was pronounced dead at 10:00 a.m. by emergency personnel.

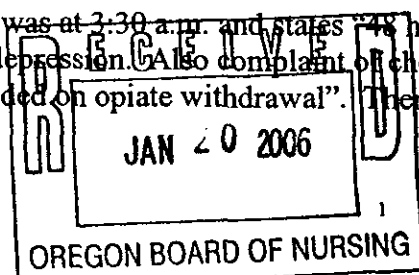
The Medical Examiner's report states cause of death as "Hypertensive Arteriosclerotic Coronary Artery Disease" and manner of death as "Natural".

When JW was arrested on February 16, 2005 and brought to MCDC he went through the routine medical intake evaluation where he listed a history of IV Heroin abuse and angina on his intake form. He reported to jail medical staff that he had stopped Heroin use two days prior to his arrest.

Mr. James was the medical nurse on duty at MCDC the night prior to JW's death on February 19, 2005.

According to JW's medical record Mr. James' 3:00 a.m. nursing progress note on February 19, 2005 states that he received a telephone call from the deputy stating JW was complaining of chest pain. Mr. James documented that client pointed to "upper epigastric area as main area of pain states has angina". Documentation includes BP 150/105, anxious, pulse 100, oxygen saturation 98% on room air and no radiation of pain. Mr. James then documented that he gave Nitroglycerine one tablet every five minutes times two "without reported relief deputy reports less anxious". Adjacent to the progress notes is a column titled "Orders (RX/TX)". In this column there are four interventions listed; "1. Attempted to reassure. 2. Telephone call to Dr. TE - Lorazepam (Ativan) 1mg by mouth one time only. 3. Client to advise of effects. 4. Client to MRF (medical request form) for further medical needs".

The next nursing progress note that Mr. James documented was at 3:30 a.m. and states "48 hour chart review. Entry Progress Form positive for opiate and depression. Also complaint of chest pain see above note. To MRF for psych and medical as needed on opiate withdrawal". There



are no further nursing progress notes made by Mr. James for this inmate.

During a personal interview with Board staff, Mr. James reported that he checked with the deputy about 4:30 or 5:00 a.m. and the deputy told him that JW was sleeping. Mr. James further reported that when he went to check on JW around 6:00 a.m. he noted his respirations were unlabored and his color was pink.

During a telephone interview with Board staff, the day shift deputy assigned to JW's cell reported that JW came out of his cell the morning of his death, retrieved his breakfast tray, ate breakfast and returned to bed without having said anything to anybody.

Also in the medical record was a copy of a telephone order, dated February 19, 2005 3:00 a.m., for Ativan 1mg by mouth one time only. This order was signed by Mr. James and lists Dr. TE, but does not have Dr. TE's signature on it. Dr. TE denies that Mr. James notified him of the client's status and denies giving any orders.

According to the medication administration record Mr. James administered Ativan 1mg by mouth to JW at 3:00 a.m.

The next nursing progress note was made by another nurse on February 19, 2005 at 9:35 a.m. and states "Client found on top bunk, cyanotic, warm to touch, no respirations and no pulse detected. Called medical backup. Client moved from top bunk to floor and CPR started".

Mr. James did not follow the facility protocol for chest pain. Mr. James administered Ativan to the inmate without a physician's order. Mr. James failed to notify the physician of the inmate's condition. Mr. James falsely charted that he had called the physician and that the physician had given a verbal order for the Ativan.

The above conduct constitutes practice of nursing in a substandard manner and is a violation of the provisions of ORS 678.111 (1) (f) and OAR 851-045-0015 (1) (b) (3) (a) (b) (c) (h) (4) (a) (b), which provide as follows:

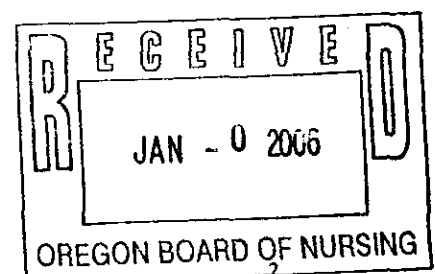
Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee

In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.



**Conduct Derogatory to the Standards of Nursing Defined
851-045-0015**

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

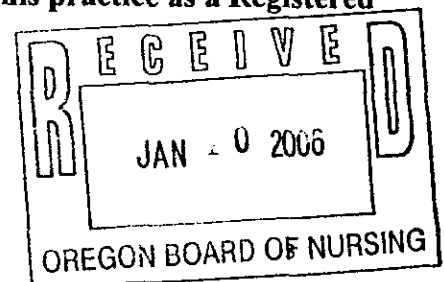
- (1) Conduct related to the client's safety and integrity:
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
- (3) Conduct related to communication:
 - (a) Inaccurate recordkeeping in client or agency records.
 - (b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
 - (c) Falsifying a client or agency record; including but not limited to filling in someone else's omissions, signing someone else's name, recording care not given, fabricating data/values.
 - (h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner.
- (4) Conduct related to achieving and maintaining clinical competency:
 - (a) Performing acts beyond the authorized scope or the level of nursing for which the individual is licensed.
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Mr. William James admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary problems.

Therefore the following will be proposed to the Board and is agreed to by Mr. William James:

That the Registered Nurse license of William L. James be suspended for a minimum of 30 days, beginning five (5) days after mailing of the Final Order. That before the suspension of Mr. James' license be ended he shall complete at least one Board approved course of study in each of the following subjects; Physical Assessment to include Cardiac Assessment, Communication as it relates to being part of a Health Care Team, Nursing Documentation and Nursing Ethics.

Mr. James shall provide the Board with evidence of course completion and write a paper on each course of study at least 3 pages in length presenting an outline of the course and the information he has learned which can make a difference in his practice as a Registered Nurse. The papers must be completed before August of 2006.

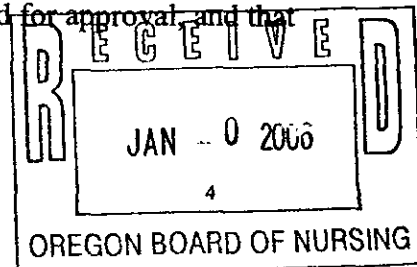


That at the end of Mr. James' suspension he agrees to a period of probation, as specified below:

1. Probation shall be for a period of twenty four (24) months. For the purposes of this Stipulation for Probation, the term "month," as used in this subsection, means a calendar month in which Mr. James performs the duties of a registered nurse in the State of Oregon a minimum of eighty (80) paid hours.
2. Mr. James shall not violate the Nurse Practice Act (ORS 678) or any of the administrative rules adopted thereunder.
3. Mr. James shall notify the Board, in writing, prior to any change of address or employment during the probation period.
4. Mr. James shall report to designated Board staff once per month for the first six (6) months of the probationary period. Such reports shall be made in person at the Board's offices in Portland, OR, although telephone interviews may be substituted for personal interviews at the discretion of Board staff.
5. Mr. James shall inform current and prospective employers, of the probationary status of his nursing license, the reasons for probation and the terms/conditions of probation. The current and prospective employers are to receive copies of the stipulated agreement and Board Order.
6. Mr. James shall be employed only in settings where he is directly supervised by a registered nurse and where his nursing supervisor agrees to submit to the Board written quarterly forms reporting Mr. James' performance.
7. Mr. James shall not be employed by a temporary staffing agency during the probationary period.
8. Mr. James shall be financially responsible for any costs he may incur as a result of compliance with the terms and conditions of this Stipulation.
9. Mr. James shall cooperate fully with the Board in the supervision and investigation of his compliance with the terms and conditions of this Stipulation.

Mr. James understands that, in the event he engages in future conduct resulting in violations of law, or violations of the terms and conditions of this Stipulation, the Board may take further disciplinary action against him, up to and including revocation of his nursing license.

Mr. James understands that this Stipulation will be submitted to the Board for approval, and that it is subject to its confirmation.



Mr. James understands that, by entering into this Stipulation, he waives the right to an administrative hearing under ORS 183.310 to 183.550.

Mr. James understands that this Stipulation is a public record.

Mr. James, by his signature below, attests that he has read and understands this Stipulation and agrees to abide by each and every one of its terms and conditions. Mr. James further attests that no promises, representations, duress, or coercion have been used to induce him to sign this Stipulation.

Dated this 14th day of January, 2006

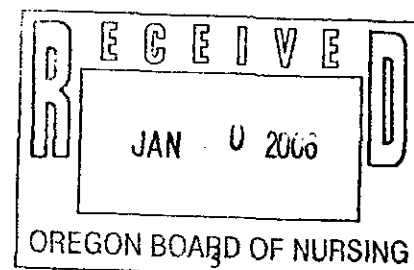
Wm James
William L. James

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kimberly R. Cobrain
Kimberly R. Cobrain
Program Executive
Complaints Investigation and Practice

Suzanne Meadows, RN
Suzanne Meadows, RN
Investigator/Advisor
Nursing Practice

DATE: <u>8-17-06</u>
I certify this to be a true copy of the records on file with the Oregon State Board of Nursing.
SIGNED: <u>Barbara L. Holtz</u>



**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)
)
)

William L. James, RN)
)
)

License No. 00003269RN)

FINAL ORDER

Case No. 05-220

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including registered nurses, in the State of Oregon. William L. James, RN (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on February 8, 2006. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for a Minimum 30 day Suspension of Registered Nurse License Followed by Probation signed by Licensee on January 19, 2006 and so dispense with this Matter pursuant to ORS 183.415(5).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on January 19, 2006 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Registered Nurse License of William L. James be suspended for a minimum of 30 days followed by 24 months probation as set forth in the Stipulation. Licensee shall meet all terms and conditions set forth in the Stipulation.

DATED this 9th day of February, 2006.

DATE: 8-17-06

I certify this to be a true copy of the records on
file with the Oregon State Board of Nursing.

SIGNED: Barbara L. Holtz

Saundra Theis
Saundra Theis, RN, PhD
Board President